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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,341	06/27/2000	David J. Glogan	78796PRC	4696

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PATENT LEGAL STAFF
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EXAMINER

LONG, HEATHER R

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/604,341

Examiner

Heather R Long

Applicant(s)

GLOGAN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-14, 16-19, 21-26 and 28-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 16-19, 21-26, 28 and 36-48 is/are allowed.
- 6) ☒ Claim(s) 1-5, 9 and 29-31 is/are rejected.
- 7) ☒ Claim(s) 6-8, 12-14 and 32-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed June 16, 2004, with respect to the rejection(s) of claim(s) 1 and 29 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6,731,340).

Regarding claim 1, Lai discloses in Fig. 2 a device for mounting a camera (20) relative to a portable computer having a first housing, and a second housing, movable relative to the first housing, having a front portion for a screen, and having a rear portion opposite the front portion (col. 1, lines 9-11), comprising: a base (40) adhered to the rear portion (when the base is on top of the computer it would be positioned behind the screen area); a camera holder (30) removably

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connected to the base (40) by cooperating first and second mating members (42 and 313); wherein the first mating member is formed on one of the base and holder (42 is on the base), and wherein the second mating member is formed on the other of the base and holder (313 is on the holder); and a hinge (33) formed between the holder (30) and the camera (20) to allow the camera (20) to be moved relative to the holder (30).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 9, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt et al. (U.S. Patent 6,239,841) in view of Lai (U.S. Patent 6,731,340).

Regarding claim 1, Verstockt et al. discloses in Figs. 1 and 2 a device for mounting a camera (14) relative to a portable computer (12) having a first housing, and a second housing, movable relative the first housing, having a front portion for a screen, and having a rear portion opposite the front portion, comprising: a base (28) adhered to the rear portion (Fig. 1, base is positioned behind the screen); a camera holder (Figs. 1 and 2; it is implicit that there is a holder attached to the camera (14) in order for the camera to be attached to the

base (28) because one could not just sit the round camera on top of the base shown in Fig. 2 without attaching it somehow) removably connected to the base (28) by cooperating first and second mating members (it is implicit the holder would have a mating member that would function with the mating member on the base (28)); and wherein the first mating member is formed on one of the base (28) and holder, and wherein the second mating member is formed on one the other of the base (28) and holder. However, Verstockt et al. fails to disclose that there is a hinge formed between the holder and the camera to allow the camera to be moved relative to the holder.

Referring to the Lai reference, Lai discloses a device for mounting a camera (20) relative to a portable computer that comprises; a base (40); a holder (30); and a hinge formed between the holder and the camera to allow the camera (20) to be moved relative to the holder (30) (col. 1, lines 58-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teaching of using a hinge to connect the camera to the holder as disclosed by Lai with the holder and camera disclosed in Verstockt et al. in order to allow the camera to be able to tilt relative to the holder, thereby providing a bigger photographic area.

Regarding claim 2, Verstockt et al. in view of Lai discloses all subject matter as discussed in claim 1, including wherein the first mating member is a receptacle formed to extend from a support of a base (Verstockt et al.; Fig. 2).

Regarding claim 3, Verstockt et al. in view of Lai discloses all subject matter as discussed in claim 1, except that the second mating member is a first opening formed in the holder, which opening is larger than the receptacle. Official Notice is taken that a second mating member can be a first opening formed in the holder, wherein the opening is larger than the receptacle on the base.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a second mating member that is a first opening formed in the holder, wherein the opening is larger than the receptacle on the base, because clips may be made several ways and it is well known to assemble a clip wherein the holder has a opening to fit over the receptacle on the base. One example of these clips is the clip that may be placed on one's belt to hold a cell phone.

Regarding claim 4, Verstockt et al. in view of Lai discloses all subject matter as discussed in claim 1 including wherein a recess is formed between the support and the receptacle (Verstockt et al.: Fig. 2).

Regarding claim 5, Verstockt et al. in view of Lai discloses all subject matter as discussed in claim 1, except that the second mating member is a first opening in the holder, which first opening is larger than the receptacle, and a second opening that is continuous with the first opening and receives by an interference fit the recess formed in the base. Official Notice is taken that the second mating member can be a first opening in the holder, which first opening is

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larger than the receptacle, and a second opening that is continuous with the first opening and receives by an interference fit the recess formed in the base.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a second mating member that is a first opening formed in the holder, wherein the opening is larger than the receptacle on the base, because clips may be made several ways and it is well known to assemble a clip wherein the holder has a opening to fit over the receptacle on the base. One example of these clips is the clip that may be placed on one's belt to hold a cell phone. It is implicit that the first opening in the holder be larger than the receptacle in order to fit the receptacle in the opening. It is also implicit that the second opening be continuous with the first opening and receives by an interference fit the recess formed in the base so that once the base is in the first opening in the holder it can be easily slid into the second opening to thereby lock the holder in place with the base.

Regarding claim 9, Verstockt et al. in view of Lai discloses all subject matter as discussed in claim 1, except that the base is adhered by one of an adhesive, Velcro, and suction cups. Official Notice is taken that adhesive, Velcro, and suction cups could be used to hold the base to the rear portion of the computer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used either adhesive, Velcro, or suction cups to hold the base to the rear portion of the computer because by replacing

the clamping portion in the Verstockt et al. reference with either adhesive, Velcro, or suction cups the same results are still obtained, the base is adhered to the rear portion of the computer. Using either adhesive, Velcro, or suction cups also would avoid damaging the surface appearance of the rear portion, which is a goal that is achieved by using the clamping portion in Verstockt et al.

Regarding claim **29-31**, these are method claims corresponding to the apparatus claims to the apparatus claims 1, 5, and 9. Therefore, claims 29-31 are analyzed and rejected as previously discussed with respect to claims 1, 5, and 9. Furthermore, it is an implicit attribute of plastic to be flexible.

Allowable Subject Matter

6. Claims 6-8, 12-14, and 32-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: prior art fails to teach or fairly suggest a method or device for mounting a camera, in combination with all the other elements claimed, comprising: an interference fit that includes a projection formed on the second opening, and a detent formed in the recess (claim 6); and a separate stand for receiving the holder, the stand having a third mating member formed thereon, so that the second and third mating members cooperate to removably engage the stand and the holder (claim 12).
8. Claims 11, 16-19, 21-26, 28, and 36-48 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-0681. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heather R Long
Examiner
Art Unit 2615

HRL
October 28, 2004


TUAN HO
PRIMARY EXAMINER